

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.212

TA-1021-2019

Date of decision: 28.07.2021

Suman Devi

....Petitioner

Versus

Vivek Khatkar

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Mr. Vikas Chaudhary, Advocate
for the respondent.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

Through the present petition the petitioner-wife seeking transfer of the divorce petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short – the Act) from the Courts at Kaithal to Hisar. Such transfer is sought on the ground that litigation between the same parties emanating from their matrimonial dispute, under Section 9 of the Act, under Section 12 of the Domestic Violence Act, 2005 and under Section 125 Cr.P.C., are pending at Hisar. Further, since the respondent is an Advocate and his father is also a leading Advocate in Kaithal, she has apprehensions that she may not get proper legal assistance at Kaithal. Still further, the petitioner claims that it would be highly inconvenient for her to attend the proceedings in the divorce proceedings at Kaithal since the distance between Hisar and Kaithal is 120 Kms.

Mr. Vikas Chaudhary, Advocate, who appears for the respondent-husband submits that his client has no objection to the transfer of the divorce petition filed by him from Kaithal to Hisar.

After considering the above circumstances pleaded by the petitioner and in particular the consent given by learned counsel for the respondent, this Court is of the view that the ends of justice would be served if the divorce petition filed by the respondent at Kaithal is transferred to Hisar and it is so ordered.

Accordingly, the District Judge, Kaithal, is directed to send complete record of the abovesaid petition to the District Judge, Hisar at an early date but in any case within a period of one month from the date of receipt of a copy of this order.

The District Judge, Hisar, is also directed either to decide the case himself or assign it to the learned court of competent jurisdiction, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, present transfer application stands disposed of, however, with no order as to costs.

July 28, 2021

Jyoti 1

Whether speaking/reasoned
Whether reportable

(DEEPAK SIBAL)

JUDGE

Yes/No

Yes/No